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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 Pacira Pharmaceuticals, Inc.,

5 Plaintiff

6 v.

7 Research Development Foundation,

8 Defendant

Case No. 2:21-cv-02241-CDS-NJK

**Order Regarding the Parties' Notice of  
Trial Exchange Procedures**

[ECF No. 313]

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10 This case is scheduled for bench trial before the Honorable Cristina D. Silva, United  
11 States District Judge, at Las Vegas, Nevada, commencing on September 23, 2024, at 9:30 a.m. in  
12 LV Courtroom 6B. Counsel appeared in Courtroom 6B on September 11, 2024, at 9:30 a.m. for  
13 calendar call. ECF No. 305. During the calendar call, the court resolved pending questions  
14 regarding how trial will operate, disclosure of the anticipated witnesses, and the order in which  
15 witnesses will be called. However, at that time, no order regarding trial had been docketed.

16 On September 19, 2024, the parties filed a notice of proposed trial exchanges. Notice,  
17 ECF No. 313. The court accepts the agreements set forth within the notice. To the degree any  
18 directive in the court's order regarding trial<sup>1</sup> conflicts with the parties' agreements, the parties'  
19 agreements control unless otherwise noted by the court. Further, the court order given during  
20 the calendar call, to include requiring the parties to exchange their anticipated witness list and  
21 witness order be exchanged no later than today, stands. ECF No. 305 at 7. Also, a copy of each  
22 party's exhibit list must be filed on CM ECF no later than Saturday, September 21, 2024, at 5:00  
23 p.m. Pacific Time. A copy of the exhibit list should also be emailed to Courtroom Deputy Denise  
24 Saavedra by the same deadline.

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26 <sup>1</sup> The court recognizes its order regarding trial (ECF No. 311) was inadvertently not docketed until  
yesterday and appreciates the clear meet and confer between the parties to file the notice regarding trial  
procedures.

1 In response to the parties' discussion of video depositions (*see* Notice at 6), I order the  
2 following: video depositions can be played during the course of the trial so long as the segments  
3 are ten minutes or less per witness (whether on direct or cross-examination). However, if the  
4 parties anticipate playing multiple segments that together would exceed ten minutes, the court  
5 will review the depositions while rendering its decision. Accordingly, those deposition  
6 designations should be marked and entered into evidence for the court's consideration. Further,  
7 to the degree either party can avoid playing (or requiring the review of video depositions), the  
8 parties should be prepared to provide the court a copy of deposition transcripts for  
9 consideration. The court recognizes the parties may select a video deposition over a transcript  
10 for impeachment or other trial strategy. I merely suggest providing the court with a transcript as  
11 an alternative, when possible.

12 The notice also discusses the parties' differences in dispute resolution procedures. ECF  
13 No. 313 at 7–8. I find that this issue need not be resolved at this time as it is dependent on what,  
14 if any, disputes arise during the trial, and further depends on whether the parties are unable to  
15 meet and confer in resolving the issue(s), so I defer a decision on this matter until need arises.

16 Accordingly, the parties' notice is accepted, the court's decision regarding the  
17 presentation of video depositions is set forth herein, and the court defers resolution of the  
18 question regarding dispute resolution until the time a dispute arises.

19 Dated: September 20, 2024

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21   
22 Cristina D. Silva  
23 United States District Judge  
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